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EXAMINER	
CASANOVA, JORGE A	
ART UNIT	PAPER NUMBER
2159	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/584,782	POECHMUELLER ET AL.	
	Examiner	Art Unit	
	JORGE A. CASANOVA	2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the April 13th, 2009 Office action, claims 14-17, 19 and 20 were amended and claims 28-32 were newly added. Claims 14-32 are currently pending and stand rejected.

2. The Applicant has appropriately corrected the Drawings, rendering the objection to the Drawings, made in the April 13th, 2009 Office action.

3. This Office action is **Final.**

Drawings

4. The drawings were received on July 8th, 2009. These drawings are accepted.

Claim Objections

5. Claim 32 is objected to because of the following informalities: the claim recites "The system as recited in claim 33". There is no claim 33 and the Examiner believes the Applicant intended this claim to be dependent on claim 29. Appropriate correction is required.

Response to Arguments: 35 USC § 102

6. Applicant's arguments with respect to claims 14-22 and 24-27 have been considered but are moot in view of the new ground(s) of rejection.

7. Furthermore, regarding the Applicant's comments that the Knockeart reference does not disclose that the data transferred over the data connection, as discussed…is the static data. Rather it refers to the data being "updated data." See page 8 of the *Remarks*. The Examiner has respectfully considered the Applicant's comments,

however, they are not persuasive as discussed below and for Applicant's convenience as shown herewith. i.e., recall static data includes in-vehicle database 432 and software 436 [col. 17, lines 44-45]; col.37, lines 17-21, regarding the information used by the overall navigation system is updated from time to time; For example, the map provider may provide periodic updates to the road network to correct previous errors or to reflect changes in the road network, such as addition of a new road; the reference also teaches and fairly suggest updating the in-vehicle system, doing so ensures that the in-vehicle database and systems databases are consistent [col. 37, lines 22-24]; therefore, when the system is performing an update such as when the in-vehicle system uses a moderated speed modem to connect to a server system for downloading the data [col. 38, lines 24-33], the update data is being transmitted from a server and then stored on the in-vehicle's system's memory, wherein the memory is a static storage is a removable 40 MB flash memory system which emulated a disk storage device [col. 13, lines 17-19], therefore, the update data is the static data hence said permanent portion of the in-vehicle system.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 14-22 and 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart et al. (US 6,628,233 B2, also cited on the IDS dated 04/13/2009) hereinafter "Knockeart", further in view of Kyotoku (US 2003/0110011 A1) hereinafter "Kyotoku".

10. With respect to claim 14, the Knockeart reference teaches a method for starting up an application in a mobile data processing device, an information database being required in a device for operating the application [see cols. 17 ad 18, lines 54 and 5-8, regarding an in-vehicle database 432 is used by in-vehicle system 105 in order to plan a route from a determined location (latitude and longitude) to a desired destination or an intermediate point on a previously planned route], comprising:

a) providing a permanent portion [see col. 17, lines 44-45, regarding static data includes in-vehicle database 432 and software 436] and a temporary portion of the information database [see col. 22, lines 52-61, regarding the server system provided GPS correction data that the in-vehicle system provides to its GPS receiver in order to increase the accuracy of the location estimates provided by its GPS receiver; The GPS correction data that the server system provided is only valid for a short time; After an interval of approximately one minute from the time the GPS correction data was obtained by the server system from its GPS receiver, the in-vehicle system stops using the correction data and uses standard GPS instead];

b) receiving a request input by a user of the device to transmit the permanent portion [see col. 38, lines 17-21, regarding an owner of a vehicle can connect a personal computer 2031 (such as a laptop computer) to the in -vehicle system; Updates

for the in -vehicle system would be obtained by the owner on a recorded medium 2040, such as a CD-ROM, or over the Internet];

c) identifying an intermediate server located in the vicinity of the device [see col. 22, lines 7-9, regarding the server system then chooses the closest GPS receiver to a vehicle for which it is providing correction data];

d) performing wire-bound transmission of the permanent portion from a central server to the intermediate server [see col. 37-38, lines 50-52, 55-56 and 12-16, regarding the navigation system uses one or more of the following alternative approaches to updating the in -vehicle system; updating over a high-speed data link, for example at a dealership or other service center; and a high-speed connection 2010 can be connected to service equipment 2030 at a dealership or a service center which downloads the updated information using industry standard communication protocols, such as Ford's SCP or the SAE J1850 protocol];

e) transmitting the permanent portion from the intermediate server to the device for operating the application via a first transmission path and storing the permanent portion in the device for operating the application [see col. 38, lines 6-9, regarding a second approach to updating the in -vehicle system involves transferring data to the in -vehicle system over a high-speed (e.g., up to 1 Mb/s) data connection; recall static data includes in-vehicle database 432 and software 436 [col. 17, lines 44-45]; col.37, lines 17-21, regarding the information used by the overall navigation system is updated from time to time; For example, the map provider may provide periodic updates to the road network to correct previous errors or to reflect changes in the road network, such as

addition of a new road; the reference also teaches and fairly suggest updating the in-vehicle system, doing so ensures that the in-vehicle database and systems databases are consistent [col. 37, lines 22-24]; therefore, when the system is performing an update such as when the in-vehicle system uses a moderated speed modem to connect to a server system for downloading the data [col. 38, lines 24-33], the update data is being transmitted from a server and then stored on the in-vehicle's system's memory, wherein the memory is a static storage is a removable 40 MB flash memory system which emulated a disk storage device [col. 13, lines 17-19], therefore, the update data is the static data hence said permanent portion];

The Knockeart reference teaches the method, as referenced above.

Knockeart does not explicitly teach f) checking the central server to ascertain if the device is authorized to access the temporary portion.

However, Kyotoku teaches f) checking the central server to ascertain if the device is authorized to access the temporary portion [see Fig. 10, regarding processes 501-511 which checks if a GPS device is authorized to access GPS reception data as determined by a license manager residing on a server 150 [see ¶0082]].

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Knockeart with the teachings of Kyotoku because it prevents unauthorized GPS devices from accessing data it is not entitled to.

The combination of Knockeart and Kyotoku disclose the method, as referenced above. Knockeart further discloses g) transmitting the temporary portion via wireless

communication, the wireless communication representing a second transmission path that is distinct from the first transmission path [see col. 21, lines 46-50, regarding the in-vehicle system establishes the communication session by making a cellular telephone call to the server system and then establishing a data communication session with the server system using its modem; also, see col. 22, lines 52-61, regarding the server system provided GPS correction data that the in-vehicle system provides to its GPS receiver in order to increase the accuracy of the location estimates provided by its GPS receiver; The GPS correction data that the server system provided is only valid for a short time; After an interval of approximately one minute from the time the GPS correction data was obtained by the server system from its GPS receiver, the in-vehicle system stops using the correction data and uses standard GPS instead]; and

h) executing the application [see cols. 17 ad 18, lines 54 and 5-8, regarding an in-vehicle database 432 is used by in-vehicle system 105 in order to plan a route from a determined location (latitude and longitude) to a desired destination or an intermediate point on a previously planned route].

11. With respect to claim 15, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches wherein step d) is triggered by a transmission of a request from one of the intermediate server and the device for operating the application to the central server [see col. 38, lines 12-16, regarding a high-speed connection 2010 can be connected to service equipment 2030 at a dealership or a service center which downloads the updated information using industry standard communication protocols, such as Ford's SCP or the SAE J1850

protocol; the Examiner interprets the service equipment 2030 as said intermediate server requesting the updated data from the source that has the updated data].

12. With respect to claim 16, the combination of Knockeart and Kyotoku teaches the method of claim 15, as referenced above. Knockeart further teaches wherein the transmission in step d) takes place via a dial-up connection [see col. 38, lines 24-33, regarding another alternative approach to updating the in-vehicle system is to use a wired telephone connection; In this approach, the in-vehicle system includes a moderate speed modem 2050 (e.g., a 56 kb/s modem) and a telephone connector; The owner provides a physical connection 2052 from the telephone connector to the public telephone network (PSTN) 340; The in -vehicle system places a telephone call to the server system, or another server used to provide data updates, and downloads the data at a moderate speed over the telephone connection].

13. With respect to claim 17, the combination of Knockeart and Kyotoku teaches the method of claim 15, as referenced above. Knockeart further teaches that before step d) is carried out, transmitting data containing information about one of an identity of the mobile device and a location of the mobile device from the device for operating the application to the central server [see col. 27, lines 35-38, regarding the in-vehicle system sends to the server system either an estimate of its position, or sends raw GPS data from its GPS receiver from which the server system computes the vehicle's position (line 1503, FIG. 15A)].

14. With respect to claim 18, the combination of Knockeart and Kyotoku teaches the method of claim 17, as referenced above. Knockeart further teaches wherein, based on

transmitted data about the identity of the mobile device, one version is selected for transmission out of a plurality of versions of the temporary portion made available on the central server [see col. 21, lines 59-65, regarding the server system then determines the vehicle's location (line 1555). In determining the vehicle's location, if the in-vehicle system provided raw GPS data, such as pseudorange measurements to GPS satellites 140, the server system applies the GPS correction data it has computed to the raw GPS data that the vehicle provided to compute the vehicle's location].

15. With respect to claim 19, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches wherein the transmission in step e) takes place via one of a wire, a local network, and a portable data carrier [see col. 38, lines 5 and 34, regarding updating over a High Speed Data Link and updating over a Wireless Link].

16. With respect to claim 20, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches before step g), transmitting information specific to the mobile device via wireless communication from the mobile device to the central server, wherein step d) is carried out only if the central server recognizes, based on the specific information, that the mobile device is suited to receiving the temporary portion [see col. 2, lines 6-16, regarding the server determines a route to the specified destination and transmits a specification of the route to the vehicle; The method also includes receiving from the server a specification of a planned route through the road network to the destination as well as receiving from the server a map that includes a specification of the road network in the vicinity of the planned route;

For instance, the map can correspond to one or more regions around particular points on the planned route, correspond to a "corridor" around the planned route, or be a complex shaped region in the vicinity of the route. The planned route can include specifications of a multiple maneuvers to be carried out by the vehicle, and the specification of each maneuver then includes a location of the maneuver; the Examiner interprets that **determining a route to transmits to an in-vehicle system** based on one or more regions around particular points on the planned route, correspond to a "corridor" around the planned route, or be a complex shaped region in the vicinity of the route **is determining whether or not the in-vehicle system is suited [i.e., situated in a planned route] that requires it to receive information from the server**]. (**emphasis added**)

17. With respect to claim 21, the combination of Knockeart and Kyotoku teaches the method of claim 20, as referenced above. Knockeart further teaches wherein the transmission of the specific information takes place in such a way that it is controlled by the permanent portion of the information database [see col. 4, lines 2-4, regarding the method can also include determining a route to the specified location using the server map database, and transmitting the determined route to the in-vehicle system; as interpreted by the Examiner the method takes place in such a way as it would as the static data included in the in-vehicle database 432].

18. With respect to claim 22, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches calculating the temporary portion by the central server based on data transmitted previously from the

device for operating the application via wireless communication [see col. 21, lines 59-65, regarding the server system then determines the vehicle's location (line 1555). In determining the vehicle's location, if the in-vehicle system provided raw GPS data, such as pseudorange measurements to GPS satellites 140, the server system applies the GPS correction data it has computed to the raw GPS data that the vehicle provided to compute the vehicle's location].

19. With respect to claim 24, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches wherein the mobile device is part of an electronic system of a motor vehicle [see cols. 17 ad 18, lines 54 and 5-8, regarding an in-vehicle database 432 is used by in-vehicle system 105 in order to plan a route from a determined location (latitude and longitude) to a desired destination or an intermediate point on a previously planned route].

20. With respect to claim 25, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches wherein the temporary portion includes geographic information [see col. 6, lines 30-33, regarding the method can feature prioritizing the update information, for instance, according to the geographic area represented by the update information and transmitting the update information in order of the priority; also, see col. 22, lines 52-61, regarding the server system provided GPS correction data that the in-vehicle system provides to its GPS receiver in order to increase the accuracy of the location estimates provided by its GPS receiver; The GPS correction data that the server system provided is only valid for a short time; After an interval of approximately one minute from the time the GPS

correction data was obtained by the server system from its GPS receiver, the in-vehicle system stops using the correction data and uses standard GPS instead].

21. With respect to claim 26, the combination of Knockeart and Kyotoku teaches the method of claim 24, as referenced above. Knockeart further teaches wherein the geographic information includes geographic information that has only temporary validity [see col. 22, lines 55-57, regarding the GPS correction data that the server system provided is only valid for a short time; the Examiner interprets said valid for a short time as a temporary validity].

22. With respect to claim 27, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. Knockeart further teaches updating the temporary portion from time to time while the device for operating the application is operating [see col. 30, lines 10-13, regarding the server system can periodically update the stored sequences in the vehicles to reflect the typically requested routes by those vehicles].

23. With respect to claim 28, the combination of Knockeart and Kyotoku teaches the method of claim 24, as referenced above. Knockeart further teaches wherein steps f)-h) are continuously repeated while the motor vehicle is operating [see col. 31, lines 19-22, regarding while the operator is being directed from maneuver to maneuver along the planned route, the in -vehicle system continuously updates its GPS-based location estimate while the GPS satellite signals are received].

24. With respect to claim 29, it is rejected on grounds corresponding to above rejected claim 14, because claim 29 is substantially equivalent to claim 14.

25. With respect to claim 30, the combination of Knockeart and Kyotoku teaches the system of claim 29, as referenced above. Knockeart further teaches wherein the plurality of intermediate servers are computers [see col. 14, lines 52-54, regarding server system 125 includes a server computer 310, which communicates with in-vehicle systems 105].

26. With respect to claim 31, the combination of Knockeart and Kyotoku teaches the system of claim 29, as referenced above. Knockeart further teaches wherein the cellular mobile wireless communication system is a GSM or a UMTS network that includes a plurality of geographically distributed base stations [see col. 9, lines 6-14, regarding a satellite-based communication system can alternatively be used to link the in -vehicle systems to the server system; Also, other wireless data communication systems can be equivalently used to couple in -vehicle systems 105 and server system 125; Such systems are currently being deployed in North America (e.g., ARDIS, RAM, CDPD, GSM), although the geographic coverage is not yet adequate to support this system and provide broad geographic availability to vehicle operators].

27. With respect to claim 32, the combination of Knockeart and Kyotoku teaches the system of claim 29, as referenced above. Knockeart further teaches wherein the permanent portion of the central server contains program instructions sent to the on-board computer [see col. 15, lines 26-29, regarding server computer 310 includes a processor 312, working memory 314, and static storage 316; Static memory 316 includes storage for map-related information that is used by the server system in computing routes].

28. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart and Kyotoku, in view Anlauf et al. (U.S. Patent 4,340,935, also cited on the IDS dated 04/13/2009) hereinafter "Anlauf".

29. With respect to claim 23, the combination of Knockeart and Kyotoku teaches the method of claim 14, as referenced above. The combination does not explicitly disclose wherein the application is a testing program for testing a functionality and diagnosing malfunctions of one of the mobile device and another device connected thereto.

However, Anlauf teaches wherein the application is a testing program for testing a functionality and diagnosing malfunctions of one of the mobile device and another device connected thereto [see col. 1, lines 11-20, regarding a self-monitoring circuit operative, when the control device is switched on, for implementing a testing program comprised of a sequence of test functions of operations devised to test the operativeness of the entire negative-feedback control system. In the event that the negative-feedback control system, as a result of the test program runthrough, is found to be inoperative or malfunctioning in any tested respect, the control device of the system is shut off and a malfunction indication is generated].

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Knockeart and Kyotoku with the teachings of Anlauf because doing so would enable a

program to test the functions and operativeness of a device and also give an individual an indicator when the device has malfunctioned.

Conclusions/Points of Contacts

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE A. CASANOVA whose telephone number is (571) 270-3563. The examiner can normally be reached on Mon. - Fri., 7:15 a.m. - 5:45 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE A CASANOVA/
Examiner, Art Unit 2159

/James Trujillo/
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